

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

-
WRIT PETITION No.29855 of 1995

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Between:

M/s.Jaswal Granites Limited,
Plot No.352-A, MLA Colony, Road No.12,
Banjara Hills, Hyderabad,
rep. by its Managing Director.

..... PETITIONER

AND

1.The Assistant Registrar, Customs, Excise &
Gold (Control) Appellate Tribunal, at
T.Nagar, Madras and another.

.....RESPONDENTS

-
The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice Nooty Ramamohana Rao

-
Writ Petition No.29855 of 1995

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Order: *(per the Hon'ble Sri Justice Bilal Nazki)*

None appears for the parties.

The petitioner-Company claims that their generating sets were detained by the respondents and they filed an appeal before the first respondent-appellate authority, who decided the same on 08-12-1995 and communicated it to

them on

11-12-1995. The order dated 08-12-1995 passed by the first respondent-appellate authority reads as under:

‘Under Section 111 (m) and (c) of the Customs Act, 1962, I order confiscation of the subject goods valued at Rs.1,04,80,048/-. However, Under Section 125 ibid. I give option to M/s.Jaswal to redeem the said goods on payment of a fine of Rs.10,00,000/- (Rupees ten lakhs only) within one month from the date of receipt of this order.

Under Section 112 ibid, I impose a penalty of Rs.5,00,000/- (Rupees Five Lakhs only) on M/s.Jaswal.

Immediately on payment of fine, M/s.Jaswal may be allowed to clear the goods on payment of appropriate Customs duties, and the penalty imposed under this order.’

Although the first respondent-appellate authority has decided the appeal in favour of the petitioner, the generating sets were not released in their favour. Therefore, the petitioner filed the present Writ Petition for release of the generating sets.

This Court while entertaining the Writ Petition on 29-12-1995, passed the following order:

‘Interim direction as prayed for provided no appeal has already been filed on the decision dated 08-12-1995 rendered in Appeal C/MISC No.602/95MAS, C/stay/504/95/MAS & A.No.C/357/95/MAS.’

The grievance of the petitioner has already been redressed by this Court by passing the interim order. Therefore, no purpose will be served by keeping this Writ Petition on Board.

The Writ Petition is dismissed. No costs.

(Bilal Nazki, J)

1ST May, 2007

(Nooty Ramamohana Rao, J)

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